

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Daniel E. Ayer, Sr.

v.

Civil No. 07-cv-304-SM

Warden, New Hampshire State Prison

O R D E R

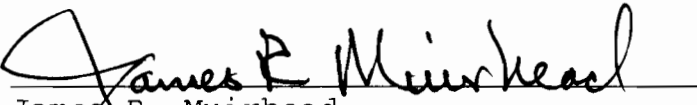
Daniel Ayer filed a petition in this Court seeking a writ of habeas corpus on September 26, 2007 (document no. 1). After preliminary review of this matter, one claim was dismissed (document no. 11). The petition, which contained a number of exhausted claims, was stayed on November 7, 2007 so that Ayer could exhaust the two unexhausted claims therein (document no. 8). Ayer then filed a motion to withdraw his unexhausted claims (document no. 12) which was granted on December 7, 2007 (document no. 13). The petition was then served on respondent.

On May 28, 2008, petitioner filed a motion to withdraw his previously granted motion to withdraw his unexhausted claims (document no. 20). His request was granted on June 19, 2008, reinstating the two unexhausted claims to the petition. On that date, the Court stayed this action in order to give Ayer the

opportunity to exhaust his unexhausted claims in the state courts.¹ On July 14, 2008, Ayer was directed to file status reports every ninety days to notify the Court of his progress in the state courts (document no. 24).

Ayer filed status reports on July 22, 2008 (document no. 25), November 10, 2008 (document no. 26), and July 21, 2009 (document no. 27). Ayer has not filed a status report since July 21, 2009. Within thirty days of the date of this Order, Ayer must either file a status report advising the Court of the status of his case in the state courts, or he must show cause why this matter should not be dismissed at this time for failure to demonstrate exhaustion of all of the claims in the petition.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: December 4, 2009

cc: Daniel E. Ayer, Sr., pro se

¹At the time the stay was entered in this matter, cross motions for summary judgment were pending.